

PHARMACY BOARD[657]

Adopted and Filed Emergency

Pursuant to the authority of 2009 Iowa Code Supplement section 124.212B, the Governor's Office of Drug Control Policy and the Iowa Board of Pharmacy amend Chapter 100, "Iowa Real-Time Electronic Pseudoephedrine Tracking System," Iowa Administrative Code.

2009 Iowa Code Supplement section 124.212B directs the Governor's Office of Drug Control Policy to establish a real-time electronic repository to monitor and control the sale of Schedule V products that are not listed in another controlled substance schedule and that contain any detectable amount of pseudoephedrine, its salts, or optical isomers, or salts of optical isomers; ephedrine; or phenylpropanolamine. Rules establishing the pseudoephedrine tracking system (PTS) became effective September 1, 2010. This amendment is solely a change of the office address found in subrule 100.4(4).

Pursuant to Iowa Code section 17A.4(3), the Board and the Governor's Office of Drug Control Policy find that notice and public participation are unnecessary because this is a nonsubstantive change and the change confers a benefit to the public.

Pursuant to Iowa Code section 17A.5(2)"b"(2), the Board and the Governor's Office of Drug Control Policy further find that the normal effective date of this amendment, 35 days after publication, should be waived and the amendment should become effective upon filing with the Administrative Rules Coordinator on September 30, 2010. The physical location of the Governor's Office of Drug Control Policy has changed, and the immediate amendment to this rule ensures that patients and others using this information to contact the Governor's Office of Drug Control Policy have the correct mailing and physical address information.

This amendment was approved by the Governor's Office of Drug Control Policy on September 23, 2010, and by the Board of Pharmacy on September 28, 2010.

This amendment is intended to implement 2009 Iowa Code Supplement section 124.212B.

This amendment became effective on September 30, 2010.

The following amendment is adopted.

Amend paragraph **100.4(4)"a"** as follows:

a. A patient may submit a signed, written request for records of the patient's purchases and attempted purchases during a specified period of time. The request shall identify the patient by name, including any aliases used by the patient, and shall include the patient's date of birth and gender. The request shall also include any address where the patient resided during the time period of the request and the patient's current address and daytime telephone number. A patient may personally deliver the request to the PTS administrator or authorized staff member of the office located at ~~401 S.W. 7th Street, Suite N, Des Moines, Iowa 50309~~ Wallace State Office Building, 502 E. 9th Street, First Floor, Des Moines, Iowa 50319. The patient shall be required to present current government-issued photo identification at the time of delivery of the request. A copy of the patient's identification shall be maintained in the records of the PTS.

[Filed Emergency 9/30/10, effective 9/30/10]

[Published 10/20/10]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/20/10.